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<div style="text-align: center;"> <h1>AIRGRAM</h1> </div>				<div style="text-align: center;"> <p>Original to be Filed in _____ Decentralized Files.</p> </div>		<div style="text-align: center;"> <p>FILE DESIGNATION</p> </div>	
REF	REP	AF	ANA	<div style="text-align: center;"> <p>CONFIDENTIAL</p> </div>		<div style="text-align: center;"> <p>A-159</p> </div>	
EUR	FE	NEA	CU	<div style="text-align: center;"> <p>RECEIVED</p> </div>		<div style="text-align: center;"> <p>NO.</p> </div>	
INR	E	F	IO	<div style="text-align: center;"> <p>TO Department of State</p> </div>		<div style="text-align: center;"> <p>AUG 26 8 29 AM 1970</p> </div>	
L	PRD	AID		<div style="text-align: center;"> <p>4220015710</p> </div>		<div style="text-align: center;"> <p>ANALYSIS BRANCH</p> </div>	
ARM	COL	PRB	INT	<div style="text-align: center;"> <p>FROM Amconsul NASSAU</p> </div>		<div style="text-align: center;"> <p>1381-137-4</p> </div>	
LAB	TAR	TR	AMB	<div style="text-align: center;"> <p>SUBJECT: Traditional Fishing Rights in Bahamian Waters</p> </div>		<div style="text-align: center;"> <p>DATE: August 20, 1970</p> </div>	
ARM	ARMY	NAVY	OSD	<div style="text-align: center;"> <p>REF</p> </div>			
USA	NSA	CIA		<div style="text-align: center;"> <p>The Consulate General on August 18, 1970 received a response from the Bahamian Ministry of External Affairs to the various communications which have been directed to the Government of the Bahamas regarding further discussions relative to fisheries in Bahamian waters. The text of this response follows:</p> </div>			
CG	NSC			<div style="text-align: center;"> <p>"Dear Consul-General,</p> </div>			
2	1			<div style="text-align: center;"> <p>I have been directed to refer to your letter of 15th May, 1970 in which you informed the Governor that the U. S. Government would welcome discussions with the Government of the Bahama Islands on the subject of traditional fishing right, claimed by the United States under Section 17 of the Bahamas Fisheries Act, No. 13 of 1969.</p> </div>			
SUGGESTED DISTRIBUTION				<div style="text-align: center;"> <p>2. You will recall that the discussions actually took place in Nassau from 10th to 12th November, 1969 when the U. S. Government presented its case in some detail.</p> </div>			
<div style="text-align: center;"> <p>FOR ACTION</p> </div>				<div style="text-align: center;"> <p>3. You will also recall that in a statement submitted by the Bahamas Delegation on 12th November, 1969, the following points were made <u>inter alia</u>:</p> </div>			
<div style="text-align: center;"> <p>TO: Action Info. Remarks</p> </div>				<div style="text-align: center;"> <p>(a) that the Bahamas Delegation viewed the purpose of the talks as giving the U. S. an opportunity of producing evidence in support of their claim that</p> </div>			
<div style="text-align: center;"> <p>FROM: _____</p> </div>				<div style="text-align: center;"> <p>CONFIDENTIAL</p> </div>			
<div style="text-align: center;"> <p>DATE: _____</p> </div>				<div style="text-align: center;"> <p>For Department Use Only</p> </div>			
<div style="text-align: center;"> <p>INITIALS: _____</p> </div>				<div style="text-align: center;"> <p>8/18/70</p> </div>			
<div style="text-align: center;"> <p>Drafted By: _____</p> </div>				<div style="text-align: center;"> <p>Turner E. Shelton</p> </div>			
<div style="text-align: center;"> <p>TEShelton:181</p> </div>				<div style="text-align: center;"> <p>Consul General</p> </div>			

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U. S. fishing boats traditionally fished in the Bahamas fishing zone:

(b) that a study of the details of the U.S. submission would require some time in order to accord it the attention it deserved;

(c) that the factual information about the basis of the U. S. claim which the Bahamas Government had requested in advance of the talks had not been supplied, with the result that a delay could not be avoided;

(d) that as a result of a preliminary examination of the U. S. submission it appeared that the evidence presented was vague and unreliable where it pertained to the period before 1964, and for the period 1964 to 1969, slender.

4. However, the U. S. Delegation was given the assurance that the evidence before the Bahamas Delegation would be examined meticulously; a report would be presented to Ministers and the Bahamas Government would communicate with the U.S. Government on the subject in due course. A copy of the statement is attached for easy reference.

5. I have now been directed to inform you that the Bahamas Delegation have made their report to the Government based on a most careful study of the information supplied by your Delegation together with a volume of additional material available to them. The report has been considered by the Government, and in the opinion of Ministers, the evidence available does not constitute sufficient grounds on which to justify issuing an order under Section 17 of the Fisheries Act No. 13 of 1969 recognizing the claim of the U. S. Government to traditional fishing by its nationals in the Bahamas exclusive fishing zone.

6. However, in view of the long-standing friendship which has existed between the United States and the Bahama Islands for many years, Ministers are prepared to consider proposals which the United States Government might wish to make for some arrangement which might allow U.S. nationals to fish in accordance with Bahamian Law in certain selected areas in the contiguous zone but outside the Bahamas territorial waters, for a limited period of time.

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7. I should be grateful if you would convey this decision to your Government, and perhaps you would let me know as soon as possible whether your Government wishes to take up the offer mentioned above.

Yours sincerely,

/s/ R. E. Bain
Permanent Secretary"

Attached to the original of the letter quoted above was a copy of the statement made by the Bahamian delegation during the discussions held between the United States and the Bahamas regarding fishing rights last Fall. This statement it will be recalled indicated the belief of the Bahamian delegation that the evidence presented by the U.S. delegation in an effort to establish evidence of U.S. traditional fishing rights was sparse, but that the evidence would be studied and the Bahamas Government would communicate further with the Government of the United States.

It has appeared for some time from discussions with the Governor of the Bahamas, various Bahamian Government officials, including officials of the Ministry of External Affairs that the Bahamian Government was unprepared to acquiesce to the American Government's request for the approval of "traditional fishing rights" under Section XIV of the Bahamas Fisheries Act, No. 13 of 1969.

The Bahamian Government feels strongly on this matter and has informally stated on a number of occasions that it can find no valid evidence to support the assertion of traditional U.S. fishing rights in Bahamian waters. It is also clear however, that there are certain areas which can be usefully explored in connection with this matter, i.e., in paragraph 6 of the letter from the Ministry of External Affairs, quoted above, it is stated that "Ministers are prepared to consider proposals which the U. S. Government might wish to make for some arrangement which might allow U. S. nationals to fish in accordance with Bahamian law in certain selected areas in the contiguous zone but outside the Bahamas territorial waters, for a limited period of time".

It is difficult to ascertain without exploration in depth precisely what the Bahamian Government envisions in any such

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arrangement as that quoted above. It is believed, however, from various informal discussions that the Bahamian Government would be prepared to discuss opening certain areas of Bahamian waters to U.S. fishermen and especially those areas which have been heavily fished by Americans for some time.

There is undoubtedly also interest on the part of the Bahamian Government in exploring the possibility of establishing a licensing arrangement whereby American fishing boats would be licensed and upon payment of appropriate fees be permitted to fish in Bahamian waters. The irresponsible action of certain Florida based fishermen in flagrantly violating both Bahamian territorial waters and the contiguous zone plus the domestic political pressure which has arisen over what is considered by Bahamians as a "great natural resource" in their fisheries has, in the opinion of the Consul General made it impossible to approach this matter on any basis other than one which is based on mutual advantage.

The Consulate General would suggest that an effort be made as quickly as possible to establish a date for negotiations with the Bahamian Government at which time various alternative plans could be discussed to arrive at an agreement as to how and under what circumstances American based fishermen may fish in Bahamian waters. In the opinion of the Consulate General it is useless to attempt to continue to assert, in effect, a right which the Bahamian Government recognizes fully is to the exclusive advantage of American fishermen since Bahamian fishermen do not fish under normal circumstances in American waters and, therefore basis for reciprocity exists.

Advice as to how to proceed would be appreciated.

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